

“Date”

Hon. Patrick I. Wright, Sr.
Alderman, Town of Simmesport
P.O. Box 603
Simmesport, Louisiana 71369

RE: Ethics Board Docket No. 2021-284

Dear Mr. Wright:

The Louisiana Board of Ethics, at its July 9, 2021 meeting, considered your request for an advisory opinion as to whether you can volunteer your services to cut grass and pick up trash in your district at no cost or donations, while you serve as an Alderman for the Town of Simmesport.

FACTS PROVIDED

You provided that you are an Alderman for the Town of Simmesport representing District 3. You stated that you would like to pick up trash and cut grass in your district at no cost or donations. You further inquired as to whether private citizens could help out voluntarily at no cost but by signing a waiver with the Town of Simmesport.

LAW

La. R.S. 42:1113A(1)(a) prohibits a public servant, or member of such public servant's immediate family, or legal entity in which he has a controlling interest from bidding on or entering into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of the agency of such public servant.

La. R.S. 42:1123(30) allows a public servant, a legal entity in which he has a controlling interest, or a member of his immediate family, to donate services, movable property, or funds to his agency.

La. R.S. 42:1102(2)(a)(vi) defines “agency” for members of any governing authority and for the elected or appointed chief executive of a governmental entity, to mean the governmental entity.

CONCLUSION

The Board concluded and instructed me to inform you, the Code of Governmental Ethics (Ethics Code) would not prohibit you from volunteering your services at no cost to pick up trash and cut grass in your district. While the Ethics Code prohibits a public servant from entering into a transaction that is under the supervision or jurisdiction of his agency, the Ethics Code allows for public servants to donate services, movable property, or funds to their agency. Your agency is the Town of Simmesport, therefore the Ethics Code would not prohibit you from donating your services, movables or funds to the Town of Simmesport.

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The Board further concluded and instructed me to inform you, the Ethics Code would have no jurisdiction over private citizens, therefore the Board issues no opinion as to whether private citizens must sign a waiver with the Town of Simmesport before providing volunteer services.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or laws other than the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Act, and conflict of interest provisions in the gaming laws. If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,

LOUISIANA BOARD OF ETHICS

Gregory L. Thibodeaux
For the Board

DISCLAIMER
This is a draft opinion and it is **NOT** an opinion of the Louisiana Board of Ethics. The analysis and conclusions herein are provided for draft purposes only and are subject to change or revision at the meeting of the Board of Ethics at which this matter is considered.